Manual of Policies and Procedures

COMMUNITY CARE LICENSING DIVISION

ADULT DAY CARE FACILITIES

Title 22 Division 6 Chapter 3



STATE OF CALIFORNIA
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HEALTH AND HUMAN SERVICES AGENCY
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ADULT DAY CARE FACILITIES

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ADULT DAY CARE FACILITIES

This Users' Manual is issued as an operational tool.

This Manual contains:

- (a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- (b) Regulations adopted by other State Departments affecting CDSS programs
- (c) Statutes from appropriate Codes which govern CDSS programs
- (d) Court decisions and
- (e) Operational standards by which CDSS staff will evaluate performance within CDSS programs

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "HANDBOOK BEGINS HERE", "HANDBOOK CONTINUES", and "HANDBOOK ENDS HERE" in bold print.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by graphic screen.

Questions relative to this Users' Manual should be directed to your usual program policy office.

CHAPTER 3. ADULT DAY CARE FACILITIES

Article 1. General Requirements

82000 GENERAL 82000

(a) Adult day care facilities, as defined in Section 80001a_.(3), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

82001 DEFINITIONS 82001

For purposes of this chapter, the following definitions shall apply:

- (a) (1) through (6) Reserved
 - (7) "Automated External Defibrillator" (AED) means a light-weight, portable device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, determine whether defibrillation (electrical shock) is needed and then administer the shock. Audible and/or visual prompts guide the user through the process.

NOTE: Authority cited: Sections 1502.2, 1524(e), 1530, and 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1502(a)(7) and (8), 1502.2, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, 1530, 1530.5, 1531, 1531.1, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551, 1556, 1569.699(a), 1797.196, and 11834.11, Health and Safety Code; Sections 5453, 5458, 11006.9, and 17736(a) and (b), Welfare and Institutions Code; and 29 CFR 1910.1030.

Article 2. Licensing

82009 POSTING OF LICENSE

82009

- (a) In facilities with a licensed capacity of seven or more, the license shall be posted in a prominent publicly accessible location in the facility.
- (b) In facilities with a licensed capacity of six or fewer, the license shall be retained in the facility and be available for review upon request.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

Article 3. Application Procedures (Reserved)

Article 4. Administrative Actions (Reserved)

Article 5. Civil Penalties (Reserved)

Article 6. Continuing Requirements

82061 REPORTS 82061

- (a) Reserved
- (b) Upon the occurrence, during the hours the facility/center is providing services to the client, of any of the events specified in Section 82061(b)(1), a report shall be made to the licensing agency within the agency's next working day during its normal business hours.
 - (1) Events reported shall include the following:
 - (A) Reserved
 - (B) Reserved
 - (C) The use of an Automated External Defibrillator.
- (c) Reserved
- (d) The items specified in Sections 82061(b)(1)(C) shall also be reported to the client's authorized representative, if any.

NOTE: Authority cited: Sections 1530 and 1538.5, Health and Safety Code. Reference: Sections 1501, 1507, 1520, 1531, 1538.5, and 1797.196, Health and Safety Code.

82064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES

82064

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult day care facilities shall have an administrator.
 - (1) A licensee who is responsible for two or more adult day care facilities shall be permitted to serve as an administrator of one or more of the facilities, provided he/she meets the requirements of Section 80064 and (e) below.
- (c) The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.

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Effective 9/8/02

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82064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)

82064

- (d) When the administrator is absent from the facility, there shall be coverage by a substitute designated by the licensee, who meets the qualifications of Section 80065, who shall be capable of and responsible and accountable for management and administration of the facility in compliance with applicable law and regulation.
 - (1) When the administrator is absent from the facility for more than 30 consecutive days, the licensee shall designate a substitute who meets the qualifications of an administrator as specified in Section 80064 and (e) below.
- (e) The administrator shall meet the requirements specified below.
 - (1) The administrator of a facility with a licensed capacity of six or fewer clients shall meet the qualifications of Section 80064(a).
 - (2) The administrator of a facility with a licensed capacity of seven or more clients shall have a high school education or equivalent, and shall have had at least two years experience or training in one of the following:
 - (A) Care and supervision of clients in a licensed day care facility.
 - (B) Care and supervision of one or more of the categories of persons to be served by the facility.
- (f) Administrators employed prior to the effective date of this section shall remain qualified provided that they have no break in employment as an adult day care facility administrator exceeding three consecutive years.

ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)

82064

- (g) The administrator shall:
 - (1) Provide for continuous supervision of clients.
 - (2) Supervise the operation of the facility.
 - (3) Comply with applicable law and regulation.
 - (4) Communicate with the department as required by applicable law and regulation.
 - (5) Acknowledge the receipt of any deficiency notices.
 - (6) Correct any deficiencies including any that constitute immediate threats to the health and safety of clients.
 - (7) Provide for program adjustments to accommodate the needs of clients.
 - (8) Ensure the safety of clients who wander, have vision or hearing impairments, or have other special needs for care and supervision.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

PERSONNEL REQUIREMENTS

82065

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall provide for an overlap of staff at each shift change to ensure continuity of care.

82065.1 PERSONNEL QUALIFICATIONS AND DUTIES

82065.1

- (a) Support staff shall perform the following duties:
 - (1) Office work.
 - (2) Cooking.
 - (3) Housecleaning.
 - (4) Maintenance of facility buildings, grounds, fixtures, furniture, equipment, and supplies.
- (b) Care staff shall be responsible for care and supervision, as defined in Section 80001c.(2), of clients.
 - (1) Care staff shall not be assigned to any of the support staff duties specified in (a) above unless the care and supervision needs of clients have been met.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82065.5 STAFF-CLIENT RATIOS

82065.5

- (a) There shall be an overall ratio of not less than one staff member providing care and supervision for each 15 clients present.
- (b) Whenever a client who relies upon others to perform all activities of daily living is present, the following minimum staffing requirements shall be met:
 - (1) For Regional Center clients, staffing shall be maintained as specified by the Regional Center.
 - (2) For all other clients, there shall be a staff-client ratio of no less than one direct care staff to four such clients.

82068.2 NEEDS AND SERVICES PLAN

82068.2

- (a) Prior to admission, the licensee shall determine whether the facility's program can meet the prospective client's service needs.
- (b) If the client is to be admitted and has no restricted health condition(s) as specified in Section 80092, then, no later than 30 days after admission, the licensee shall complete a written Needs and Services Plan that must include:
 - (1) The client's desires and background and formal supports, obtained from the client's family or his/her authorized representative, if any, regarding the following:
 - (A) Admission to the facility.
 - (B) Medical information including primary physician, health problems and medical history, prescribed medications and their strength, quantity required and purpose.
 - (C) Mental and emotional functioning.
 - (D) Functional limitations including physical impairments or concerns.
 - (1) The licensee may use Section 80069.2 for assistance.
 - (E) Specific service needs, if any.
 - (2) Scheduled days of attendance.
 - (3) Transportation arrangements.
- (c) If the client is to be admitted, and has a restricted health condition as specified in Section 80092(c) then, the licensee shall develop the Needs and Services Plan prior to admission.

82068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN

82068.3

(a) The written Needs and Services Plan specified in Section 82068.2 must be updated as frequently as necessary to ensure its accuracy, and to document significant occurrences that result in changes in the client's physical, mental and/or social functioning.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

82075 HEALTH-RELATED SERVICES

82075

- (a) In addition to Section 80075, the following shall apply.
- (b) The licensee shall obtain, from the client or his/her authorized representative, an authorization to secure for the client necessary emergency medical services.
 - (1) Such authorization shall be maintained on file in the facility.
 - (2) The licensee shall not be required to obtain such an authorization from clients who adhere to a religious faith practicing healing by prayer or other spiritual means.
 - (A) Under such circumstances, the licensee shall obtain a statement from the client or his/her authorized representative which states the adherence to such religion.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

82075.1 DAILY INSPECTION FOR ILLNESS

82075.1

(a) The licensee shall ensure that clients with obvious symptoms of illness are not accepted unless they are separated from other clients.

82075.2 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

82075.2

- (a) A licensee is permitted to maintain and operate an AED at the facility if all of the following conditions are met:
 - (1) The licensee shall notify the district office in writing that an AED is in the facility and will be used in accordance with all applicable federal and other state requirements.
 - (2) The AED shall be used in accordance with all applicable federal and other state requirements.
 - (3) The licensee shall maintain at the facility the following:
 - (A) A copy of the required physician's prescription for the AED.
 - (B) A training manual from an American Heart Association- or American Red Cross-recognized AED training class.
 - (C) A log of checks of operation of the AED containing the dates checked and the name of person checking.
 - (D) A copy of a valid AED operator's certificate for any employee(s) authorized by the licensee to operate the AED. The certificate shall indicate that the AED training course completed complies with the standards of the American Heart Association or the American Red Cross. If it does not, then other evidence indicating that the AED training course completed complies with the standards of the American Heart Association or the American Red Cross shall be available at the facility.
 - (E) A log of quarterly proficiency demonstrations for each holder of an AED operator's certificate who is authorized by the licensee to operate the AED. The log shall contain the dates of the demonstrations and the manner of demonstration.
 - (4) A supply kit shall be maintained at the facility and be readily available for use with the AED. The kit shall contain at least the following:
 - (A) A back-up battery set.
 - (B) An extra set of pads.

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ADULT DAY CARE FACILITIES

82075.2

82075.2 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS) (Continued)

82075.2

- (C) A safety razor for shaving chest hair when necessary to apply the pads.
- (D) A cardiovascular pulmonary resuscitation barrier (a face shield or mask) for protection from transmission of infectious disease.
- (E) Two pairs of unused medical examination gloves (latex or non-latex).
- (5) Use of an AED shall be reported as specified in Section 82061.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531, and 1797.196, Health and Safety Code.

82076 FOOD SERVICE

82076

- (a) In addition to Section 80076, the following shall apply.
- (b) A client in care for less than eight hours shall be provided meals and snacks so that no more than three and a half hours elapses between food service.
- (c) A client in care for a period of eight hours or longer, shall be provided a midmorning snack, lunch and a midafternoon snack.
- (d) A licensee who accepts a client at 7:00 a.m. or earlier shall include a provision in the admission agreement of that client, stating whether or not breakfast will be provided by the facility.
- (e) Clients shall be permitted to bring their own food to the facility.
 - (1) If the client brings all or part of his/her own food to the facility, the licensee shall ensure that the food service requirements specified in (b) and (c) above, are met.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION

82078

- (a) In addition to Section 80078, the following shall apply.
 - (1) The licensee shall provide care and supervision necessary to meet the client's needs and all services specified in the admission agreement.

82079 PLANNED ACTIVITIES

82079

- (a) The licensee shall provide opportunities for, and encourage participation in activities, including but not limited to:
 - (1) Activities that require group interaction.
 - (2) Daily living skills, including grooming, personal hygiene, social skills, cooking and simple homemaking tasks, and opportunities to learn about the community.
 - (3) Physical activities, including, but not limited to, games, sports and exercise unless contraindicated by the medical assessment specified in Section 80069.
 - (4) Leisure time to pursue personal interests.
 - (5) Education through special instruction and projects.
- (b) Provision shall be made for client rest periods which are required based on the medical assessment specified in Section 80069 or as desired by the client.
- (c) Activities shall be encouraged through provision of space, equipment and supplies as specified in Sections 82087.2, 82087.3 and 82088(e).

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Article 7. Physical Environment

82087 BUILDINGS AND GROUNDS

82087

- (a) In addition to Section 80087, the following shall apply.
- (b) There shall be office space available on the premises for private interviews conducted by facility staff.
- (c) Rooms or areas for rest periods shall be provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82087.2 OUTDOOR ACTIVITY SPACE

82087.2

- (a) The licensee shall ensure access to safe outdoor activity space for the clients.
- (b) The outdoor activity space shall be situated to:
 - (1) Provide protection from traffic.
 - (2) Provide a shaded rest area for the clients.
- (c) If outdoor activity space is not available on the premises, space meeting the requirements of Sections 82087.2(a) and (b) above shall be provided at another location, which shall be specified in the facility plan of operation, unless the facility has been granted a waiver.

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ADULT DAY CARE FACILITIES

Regulations

82087.3 INDOOR ACTIVITY SPACE

82087.3

(a) An area shall be provided for quiet reading and study.

HANDBOOK BEGINS HERE

(1) This area can be a library, study room or similar area.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82087.4 STORAGE SPACE

82087.4

- (a) There shall be space available for storage of clients' personal belongings.
- (b) There shall be space available for storage of equipment and supplies necessary to implement the planned activity program.
- (c) There shall be space available for storage of staff members' personal belongings.
- (d) There shall be space available on the premises for storage of the facility records specified in this chapter and Chapter 1.

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(e) Storage space may be either permanent or portable.

HANDBOOK ENDS HERE

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82088 FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES

82088

- (a) In addition to Section 80088, the following shall apply.
- (b) Based upon the total licensed capacity, one handwashing facility, and one toilet providing individual privacy, shall be maintained for every 15 clients, or fraction thereof.
 - (1) Facilities licensed on the effective date of this chapter shall be permitted to continue operations with the toilet facilities previously approved.
- (c) Use of common towels and washcloths shall be prohibited.
- (d) If beds are provided for resting, they shall be arranged to allow for unobstructed passage of personnel and of clients with assistive devices including but not limited to wheelchairs and walkers.
- (e) Facilities shall provide the equipment and supplies necessary to meet the requirements of the planned activity program.
 - (1) Equipment shall be safe and sanitary.
 - (2) A variety of games, reading material, crafts and other materials shall be provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

82088.2 DRINKING WATER

82088.2

(a) Clean drinking water shall be readily available to all clients at all times.

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